IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. NO. 706 of 1990
Date of Decision: 20.9.2006

Bhale Ram.

..... Appellant

Versus

Nathi Ram alias Nathu Ram and others.

..... Respondents

CORAM: Hon'ble Mr.Justice Mahesh Grover

....

Present: None for the appellant.
None for the respondents.

....

Mahesh Grover,J.

The claimant-Bhale Ram is in appeal against award dated 31.7.1990 of Motor Accident Claims Tribunal, Sonepat (hereinafter described as `the Tribunal') passed in M.A.C.T. Case No. 36 of 1988.

The appellant is said to have suffered permanent disability to the extent of 45/46% on account of injuries sustained by him allegedly caused due to rash and negligent driving of the car by respondent no.1. He had also suffered fracture of second lumbered bone with compression of fifth lumber vertebrae which resulted in aesthesia of perinana region with

weakness of the lower limb. The appellant was an agriculturist having a small holding of six acres of land, which was self cultivated.

The Tribunal awarded a sum of Rs.24800/- along with interest at the rate of 12% per annum to the appellant, who has filed the present appeal for enhancement of the same.

Having thoughtfully considered the entire matter, I am of the view that the compensation awarded by the Tribunal deserves to be enhanced. The nature of the injuries as mentioned hereinabove would have definitely impaired the earning capability of the appellant as farm hand. The Tribunal has awarded a sum of only Rs.10,000/- on account of the permanent disability and Rs.5000/- for loss of earnings, which appears to be on the lower side. Therefore, an amount of Rs. 50,000/- is awarded to the appellant for the disability and for pain & suffering and loss of earnings. Besides, the appellant shall be entitled to interest at the rate of 7-1/2% per annum on the enhanced compensation from the date of petition till the date of realisation. The liability to pay the enhanced compensation amount to the appellant shall be the same as determined by the Tribunal. The impugned award is modified accordingly.

The appeal is disposed of in the aforesaid terms.

(Mahesh Grover)
Judge

September 20,2006
"SCM"